

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4068

IN THE MATTER OF:

Served March 19, 1993

Investigation of Failure to Pay )  
Annual Fee and Order to Show Cause )  
Why Operating Authority should not )  
be Suspended or Revoked, Directed )  
to: )

V.I.P. TOURS (WMATC No. 85) )

Case No. MP-93-09

AMERICAN COACH LINES, INC. )  
(WMATC No. 103) )

Case No. MP-93-10

Under the Compact, Title I, Article IV, Section 4, and Order No. 3601, served January 17, 1991, each of the above-captioned carriers was obligated to pay a \$100 annual fee for 1993 on or before February 1, 1993. A bill was sent to each carrier on January 1, 1993, and a second notice was sent on February 19, 1993, to those who had not paid by that date. As of the date of this order, the above-named carriers have failed to pay their annual fee. No requests for extension of time were filed or granted.

The Compact, Title II, Article XIII, Section(6)(f), provides that a person who knowingly and willfully violates a provision of the Compact or regulation thereunder shall be subject to a civil forfeiture of not more than \$1,000 for the first violation and not more than \$5,000 for any subsequent violation. Each day of the violation constitutes a separate violation. In addition, the Compact, Title II, Article XI, Section 10(c), provides that the Commission, after notice and hearing, may suspend or revoke a certificate of authority for willful failure to comply with the Compact or a Commission regulation.

Each of the above-named carriers is found to have knowingly and willfully failed timely to pay its annual fee for 1993, and each will be assessed a civil forfeiture of \$50 therefor. In addition, the certificate of authority of each above-named carrier that fails timely to comply with the requirements of this order will be suspended.

THEREFORE, IT IS ORDERED:

1. That these proceedings are hereby initiated for the purpose of determining whether the certificate of authority of each of the above-captioned carriers should be suspended or revoked for failure to pay its annual fee.

2. That each of the above-captioned carriers is made a party respondent in the proceeding in which it is named.

3. That these proceedings are hereby consolidated for hearing commencing Thursday, April 15, 1993, at 10:00 a.m., in the hearing room of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104.

4. That each of the above-captioned carriers is hereby directed to appear at the above-scheduled hearing and give evidence, if any there be, to show cause why its certificate of authority should not be suspended or revoked.

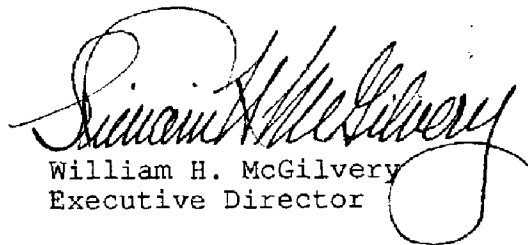
5. That pursuant to the Compact, Title II, Articles XIII and XIV, each of the above-captioned carriers is hereby assessed and directed to pay to the Commission, on or before Thursday, April 1, 1993, the sum of \$200, which sum includes \$150 estimated to cover the Commission's expenses in conducting each of the above-captioned proceedings plus a \$50 civil forfeiture for knowing and willful failure timely to pay its annual fee.

6. That in lieu of a hearing and payment of estimated expenses, each of the above-captioned carriers may at any time on or before Thursday, April 1, 1993, pay to the Commission the sum of \$150, which sum includes the \$100 annual fee plus a \$50 civil forfeiture for knowing and willful failure timely to pay its annual fee.

7. That each of the above-captioned carriers which shall not have paid the required hearing assessment plus civil forfeiture and appeared at the above-scheduled hearing, or paid its annual fee and the civil forfeiture in lieu thereof, shall be found to have knowingly and willfully failed to comply with the requirements of this order, and the certificate of authority of each such carrier shall stand suspended effective 12:01 a.m., Thursday, April 15, 1993.

8. That any carrier whose certificate of authority is suspended by action of the preceding paragraph shall have 30 days from the effective date of such suspension to show good cause, if any there be, in writing and under oath, why its certificate of authority should not be revoked for knowing and willful failure to comply with this order and the requirements cited herein.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS DAVENPORT, SCHIFTER, AND SHANNON:

  
William H. McGilvery  
Executive Director